



Gottlieb Townsend

Trinity Building
111 Broadway, Suite 701
Tel: (212) 566-7766
Fax: (212) 428-6755
www.gottlietownsend.com

Robert C. Gottlieb
Paul R. Townsend
*Admitted in NY & NJ
Kaylee Kreitenberg
*Admitted in NY & CA

June 24, 2025

Via ECF

The Honorable Judge Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

RE: *United States v. Edward Smith, 25 Cr 4 (PAE)*

Dear Judge Engelmayer:

This law firm has been representing the defendant, Edward Smith, in the above-captioned criminal matter which is currently pending before this Court. We write, at the direction of the Court, to request a conference.

On February 5, 2025, I filed a substitution of counsel form on the docket and assumed representation of Mr. Smith from his prior attorney, Todd Spodek, Esq. Elizabeth Kelley, Esq. also filed a notice of appearance on the docket to represent Mr. Smith as co-counsel. My law firm participated in court conferences and the suppression hearing related to Mr. Smith's statement to law enforcement. After we received the decision of the Court, on May 22, 2025, I was informed by Ms. Kelley that Mr. Smith was in the process of retaining Samuel Braverman, Esq. and Robert Herz, Esq. to serve as trial counsel with her and that we would be relieved.

I immediately requested that Ms. Kelley relate to incoming counsel our request that they file a substitution of counsel form on the docket so that my firm might be formally relieved. Mr. Braverman filed a notice of appearance, and Mr. Herz filed his application for *pro hac vice* admission, but no acknowledgement of the substitution by Mr. Smith was sent us until yesterday, when we received an email from Mr. Braverman with a PDF attachment containing Mr. Smith's signature.

While we have been waiting for new counsel to execute the substitution of counsel form and file it on the docket, indicating to Your Honor that my firm is being replaced and Mr. Smith is not simply adding additional lawyers, we have repeatedly requested that incoming counsel contact chambers and inform the Court about the change in Mr. Smith's representation. We have informed incoming counsel about the trial schedule that the Court has set and Ms. Kelley, who has been present at the conferences where the schedule and deadlines have been discussed, is still representing Mr. Smith.

Accordingly, we respectfully request that the Court hold a conference in this matter so that we may be formally relieved.

Respectfully submitted,

GOTTLIEB TOWNSEND



Robert C. Gottlieb

cc: AUSA Remy Grosbard (via ECF)
Elizabeth Kelley, Esq. (via ECF)
Samuel Braverman, Esq. (via ECF)
Robert Herz, Esq. (via ECF)

The Court will hold a pretrial conference on Monday, July 7, 2025, at noon, in Courtroom 1305 of the Thurgood Marshall United States Courthouse. The purpose of the conference will be to address the anticipated substitution of counsel, to assure that a smooth transition of counsel is underway, and to confirm that incoming counsel are prepared to try this case on the schedule presently set. The Court directs that Mr. Gottlieb and Mr. Herz, as well as the defendant, along with Government counsel, attend in person. By separate order, the Court will approve Mr. Herz's pro hac vice motion. The Clerk of Court is requested to terminate the motion at Dkt. No. 73.

6/25/2025

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge